

NOV. 26. 2003 2:50



173 FOLEY AND LARDNER  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

NO. 4453 P. 2

Office

Paper No: 21

4741

Stephen E. Reiter  
Foley & Lardner  
P.O. box 80278  
San Diego, CA 92138-0278

Appeal No:  
Appellant:  
Application No:  
Hearing Room:  
Hearing Docket:  
Hearing Date:  
Hearing Time:  
Location:

2003-1139  
Ronald M. Evans et al.  
09/526,298  
D  
A  
Thursday, January 22, 2004  
1:00 PM  
Room 12C07  
CRYSTAL GATEWAY 2  
1225 Jefferson Davis Highway  
Arlington, VA 22202

### NOTICE OF HEARING

### CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 1.194(a).

The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up.

The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced.

### CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.

This form must be completed below and filed with the Board of Patent Appeals and Interferences preferably by facsimile within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this form may alternatively be filed by mail if facsimile is not available.

Failure to file this form within this time period will be construed as a waiver of the request for oral hearing.

37 CFR § 1.136(a) does not apply.

By order of the Board of Patent Appeals and Interferences

BPAI HEARINGS FAX No:

(703) 308-6199 See  
1108 Off. Gaz. Pat. Trademark Office  
15 (Nov. 14, 1989)

BPAI Mailing Address:

BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-11450

Clerk of the Board (703)-308-9797

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:

☐ HEARING ATTENDANCE CONFIRMED  
☒ HEARING ATTENDANCE WAIVED

MAILED

NOV - 6 2003

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Barry S. Wilson*  
Signature of Attorney/Agent/Appellant  
Barry S. Wilson  
for Stephen E. Reiter  
Registration No. 31,192

Date

11/26/03

Registration No.

39,430,888,02-1103  
RECEIVED  
NOV 13 2003

I.P. DEPT.  
FOLEY & LARDNER

DOCKETED

NOV 13 2003

**FOLEY LARDNER**

ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200

SAN DIEGO, CA 92130

P.O. BOX 80278

SAN DIEGO, CALIFORNIA 92138-0278

TELEPHONE: 858.847.6700

FACSIMILE: 858.792.6773

WWW.FOLEY.COM

**FACSIMILE TRANSMISSION****Total # of Pages 2 (including this page)**

TO:	PHONE #:	FAX #:
Board of Appeals and Interferences United States Patent and Trademark Office	703-308-9797	703 308-6199

**From :** Barry S. Wilson**Email Address :** bwilson@foley.com**Sender's Direct Dial :** 858.847.6711**Date :** November 26, 2003**Client/Matter No :** 088802-1103**User ID No :** 3067**MESSAGE:**

**Re:** U.S. Application No. 09/526,298  
Appeal No. 2003-1139  
Appellant: Ronald E. Evans et al.  
Attorney Docket No. SALK1320-3

**Attachment :** Notice of Hearing

If there are any problems with this transmission or if you have not  
received all of the pages, please call .

**Operator:****Time Sent:****Return Original To:**

Mercedes F. "Ched" Dlapasupil

**CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.**